

No. 16-17050

IN THE

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

---

PATRICIA HARDING MORRISON  
for the Estate of TOMMY MORRISON  
*Plaintiff & Appellant,*

v.

QUEST DIAGNOSTICS INCORPORATED  
JOHN HIATT  
DR. MARGARET GOODMAN  
NEVADA STATE ATHLETIC COMMISSION  
MARC RATNER  
*Defendants & Appellees.*

Appeal from the United States District Court for the District of Nevada  
-Southern Division-  
The Hon. Richard F. Boulware II, Judge (case number 2:2014-cv-01207)

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**APPELLANT'S MOTION FOR PERMISSION TO FILE A SINGLE  
REPLY BRIEF TO APPELLEES' MULTIPLE ANSWERING BRIEFS**

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PATRICIA HARDING MORRISON  
P.O. Box 454, Rose Hill, KS 67133  
Tel. No. (865) 296-9973  
e-mail: tommyandtrishamorrison@yahoo.com  
Plaintiff, *Pro Se* & Appellant,  
Personal Representative/ Administratrix for the  
ESTATE OF TOMMY MORRISON

**MOTION**

Plaintiff-Appellant, hereby moves this court for permission to file Appellant's Single Reply Brief to Defendants-Appellees' multiple Answering Briefs. This motion is pursuant to the Courts instructions received by mail on SATURDAY April 01<sup>st</sup>, 2017.

**MEMORANDUM**

**OF POINTS AND AUTHORITIES**

Plaintiff-Appellant has diligently proceeded to consolidate into one single reply brief pursuant to Rule 32-2(b) whereby the total word count is 7,000 plus an extra 1,400 when replying to multiple answering briefs. A total of 8,400 words are permitted automatically by the Ninth Circuit Court of Appeals.

This motion is accompanied by a Declaration signed by Patricia Harding Morrison –Plaintiff-Appellant, Pro Se, and an original copy of Appellant's Single Reply Brief for review. Three sets, in addition to the original have been submitted. Additional copies of the Single Reply Brief will be mailed upon approval by this Court.

**CONCLUSION**

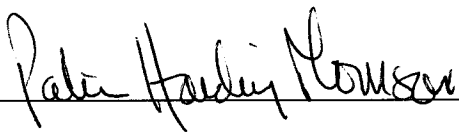
Plaintiff-Appellant respectfully requests that Appellant's Single Reply Brief shall cure the deficiencies as listed on the attached correspondence from this Court in order to reply to the combined size of Appellees' briefs submitted of

approximately 28,000 words in length. Opposing counsels have confirmed via email, as attached, that they are not opposed to Plaintiff's Motion.

Plaintiff-Appellant is not on the ECF system.

Respectfully submitted by, and for

Dated: April 04<sup>th</sup>, 2017 **THE ESTATE OF TOMMY MORRISON,**

By 

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

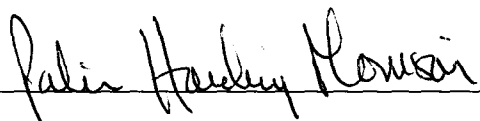
ADMINISTRATRIX

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME  
LIMITATION, TYPEFACE REQUIREMENTS,  
AND TYPE STYLE REQUIREMENTS**

- I.** This Motion complies with the type-volume limitation of Fed.R.App.P.32(a)(7)(B)(ii) because the Motion contains: 321 words excluding the parts of the brief exempted by Fed.R.App.P.32(a)(7)(B)(iii).
- II.** This Motion complies with the typeface requirements of Fed.R.App.P.32(a)(5) and the type style requirements of Fed.R.App.P.32(a)(6) because this Brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010, in 14-point Times New Roman.
- III.** Attached Form 8.

Dated: April 04<sup>th</sup> , 2017

**THE ESTATE OF TOMMY MORRISON,**

By 

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

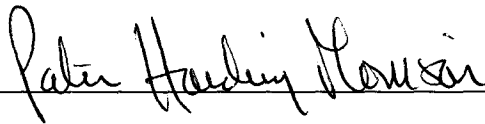
ADMINISTRATRIX

**CERTIFICATE OF IDENTICAL COMPLIANCE  
OF MOTION**

I certify that the text of the briefs sent to defense counsels are identical to the text of this original copy sent on APRIL 04<sup>th</sup>, 2017, to the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit.

Dated: April 04<sup>th</sup>, 2017

**THE ESTATE OF TOMMY MORRISON,**

By 

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

ADMINISTRATRIX

**CERTIFICATE OF SERVICE**

**Case Name: MORRISON v QUEST ET AL**

**9th Cir. Case No: 16-17050**

I am over 18 years of age and a party to this action. On APRIL 04<sup>th</sup>, 2017,  
I certify that I sent from Wichita, Kansas, the following documents:

**APPELLANT's DECLARATION**

**APPELLANT'S MOTION TO FILE SINGLE REPLY BRIEF**

**COURT'S CORRESPONDENCE**

**EMAIL EXCHANGE WITH OPPOSING COUNSEL**

**APPELLANT's SINGLE REPLY BRIEF FOR REVIEW**

**FORM 8**

by enclosing copies in envelopes and depositing the sealed envelopes with first  
class postage fully prepaid to the respondents' attorneys.

A true, identical, correct copy of the above documents were sent using fully  
prepaid Federal Express Overnight Service to the Office of the Clerk for filing.

Three additional, bound, copies of the above documents were also sent to the  
Office of the Clerk. The addresses and recipients are as follows,

D. Faye Caldwell, Pro Hac Vice, Caldwell Everson, PLLC

2777 Allen Parkway, Suite 950, Houston, TX 77019

*(Attorney for Appellees Quest Diagnostics Incorporated and John Hiatt) (served via First Class Mail)*

**and**

Vivienne Rakowsky, Esq.

Deputy Attorney General

555 East Washington Avenue, Suite 3900,

Las Vegas, Nevada 89101

*(Attorney for Appellees Nevada State Athletic Commission, Marc Ratner, And Dr. Margaret Goodman (served Via First Class Mail)*

Defense counsels are registered CM/ECF users.

**And for scanning and filing on to the ECF system, to:**

OFFICE OF THE CLERK

James. R. Browning Courthouse, U.S. Court of Appeals,

95 Seventh Street, San Francisco, CA 94103-1526

(Ninth Circuit Court of Appeals)

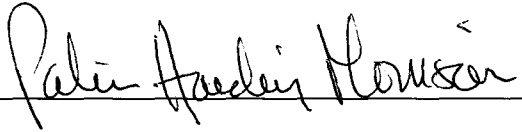
(served via Federal Express)

I declare I am not a registered CM/ECF user.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 04<sup>th</sup> , 2017

**THE ESTATE OF TOMMY MORRISON,**

By \_\_\_\_\_

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

ADMINISTRATRIX



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DR. MARGARET GOODMAN  
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MARC RATNER  
*Defendants & Appellees.*

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---

**DECLARATION IN SUPPORT OF MOTION TO FILE A SINGLE  
REPLY BRIEF TO APPELLEES' MULTIPLE ANSWERING BRIEFS**

---

PATRICIA HARDING MORRISON  
P.O. Box 454, Rose Hill, KS 67133  
Tel. No. (865) 296-9973  
e-mail: tommyandtrishamorrison@yahoo.com  
Plaintiff, *Pro Se* & Appellant,  
Personal Representative/ Administratrix for the  
ESTATE OF TOMMY MORRISON

**DECLARATION**

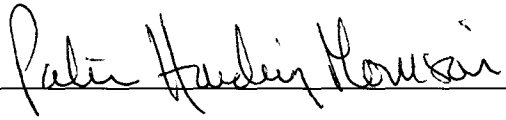
I, Patricia Harding Morrison, hereby declare;

1. I am the Personal Representative / Administratrix for the Estate of TOMMY MORRISON, and Appellant, Pro Se, in this case. I am admitted to appear before this Court and I have personal knowledge of the facts stated herein.
2. I submit this declaration in support of Plaintiff-Appellant's motion to file a Single Reply Brief in response to the multiple briefs filed by Appellees Quest Diagnostics and John Hiatt, and Nevada State Athletic Commission, Marc Ratner, and Dr. Margaret Goodman, to cure deficiency notices #10375010 and #10374970 received on APRIL 01<sup>ST</sup>, 2017.
3. I am not a registered user on the ECF system.
4. I enclose an original copy of Appellant's Single Reply Brief for review, for scanning and electronic filing, and an additional 3 copies for the Court.
5. I declare I corresponded with opposing counsels with regards to this motion, and attach emails to that fact. Appellees' counsels do not oppose this motion.
6. I declare a copy of this Declaration, Motion, Single Reply Brief have been mailed first class to defense counsels.

I declare under penalty of perjury under the laws of the United States that

the foregoing is true and correct.

Dated: April 04<sup>th</sup>, 2017 **THE ESTATE OF TOMMY MORRISON,**

By 

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

ADMINISTRATRIX

No. 16-17050

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**ATTACHMENTS TO MOTION – A. COURT CORRESPONDENCE**

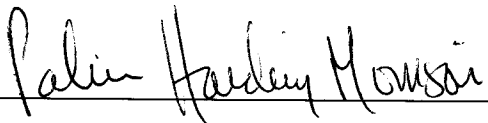
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PATRICIA HARDING MORRISON  
P.O. Box 454, Rose Hill, KS 67133  
Tel. No. (865) 296-9973  
e-mail: tommyandtrishamorrison@yahoo.com  
Plaintiff, *Pro Se* & Appellant,  
Personal Representative/ Administratrix for the  
ESTATE OF TOMMY MORRISON

**COURT CORRESPONDENCE**

2 PAGES.

Dated: April 04<sup>TH</sup>, 2017 **THE ESTATE OF TOMMY MORRISON,**

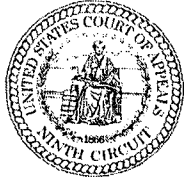
By 

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

ADMINISTRATRIX



Office of the Clerk  
**United States Court of Appeals for the Ninth Circuit**  
Post Office Box 193939  
San Francisco, California 94119-3939  
415-355-8000

Molly C. Dwyer  
Clerk of Court

March 28, 2017

---

**To:** Patricia Harding Morrison

**From:** Molly C. Dwyer, Clerk of Court  
By: Stephanie M. Lee, Deputy Clerk

**Re:** Receipt of a Deficient Brief of Appellant on 03/24/2017

USCA No. 16-17050      Patricia Morrison v. Quest Diagnostics,  
Inc., et al

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The reply brief cannot be filed for the following reason(s):

- *Multiple reply briefs submitted: Only one reply brief may be filed. See 9th Cir. R. 28-5: If multiple answering briefs are filed, an appellant is limited to filing a single brief in response to the multiple briefs. **Please submit either a motion requesting permission to file multiple reply briefs or a single substitute reply brief accompanied by a motion requesting permission to file a substitute reply brief.***

The following action has been taken with respect to the brief received in this office:

- *The deficiency by the appellant is judged to be serious. We cannot file your brief.*

When you submit your motion or a corrected brief, **please return a copy of this letter.**

[illegible]

No. 16-17050

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**ATTACHMENTS TO MOTION – B. EMAIL CORRESPONDENCE**

---

PATRICIA HARDING MORRISON  
P.O. Box 454, Rose Hill, KS 67133  
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Plaintiff, *Pro Se* & Appellant,  
Personal Representative/ Administratrix for the  
ESTATE OF TOMMY MORRISON



**EMAIL CORRESPONDENCE**

- 2 PAGES: FAYE.D.CALDWELL FOR QUEST/HIATT

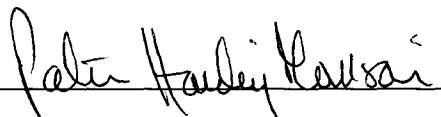
- 2 PAGES: KEITH WEAVER –

LOCAL COUNSEL FOR QUEST/HIATT

NON-INVOLVEMENT IN APPEAL.

- 2 PAGES: RAKOWSKY FOR NSAC/RATNER/GOODMAN

Dated: April 04<sup>TH</sup> , 2017 **THE ESTATE OF TOMMY MORRISON,**

By \_\_\_\_\_

PATRICIA HARDING MORRISON

PLAINTIFF-APPELLANT

PERSONAL REPRESENTATIVE /

ADMINISTRATRIX

From: Vivienne Rakowsky <VRakowsky@ag.nv.gov>  
Date: 4/3/17 9:44 AM (GMT-06:00)  
To: "tommyandtrishamorrison@yahoo.com" <tommyandtrishamorrison@yahoo.com>, Faye Caldwell <fcaldwell@caldwelleverson.com>, Keith Weaver <keith.weaver@lewisbrisbois.com>  
Subject: RE: MORRISON v QUEST ET AL

The state defendants do not intend to oppose a motion requesting leave to file an amended brief to cure the deficiencies cited by the 9<sup>th</sup> Circuit Clerk.

Sincerely,

Vivienne

**Vivienne Rakowsky, Deputy Attorney General**

**State of Nevada**

**Office of the Attorney General**

**555 East Washington Avenue, Suite 3900**

**Las Vegas, Nevada 89101**

[vrakowsky@ag.nv.gov](mailto:vrakowsky@ag.nv.gov)

**Phone: (702) 486-3103**

**Fax: (702) 486-3416**

**This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the messages and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. If you receive this communication in error, please notify me immediately by e-mail at [vrakowsky@ag.nv.gov](mailto:vrakowsky@ag.nv.gov) and delete the message and attachments from your computer and network. Thank you.**

**From:** tommyandtrishamorrison@yahoo.com [mailto:tommyandtrishamorrison@yahoo.com]  
**Sent:** Friday, March 31, 2017 8:48 AM  
**To:** Vivienne Rakowsky; Faye Caldwell; Keith Weaver  
**Subject:** MORRISON v QUEST ET AL

Ms. Rakowsky

Ms. Caldwell

Mr. Weaver

Upon calling the Ninth Circuit Court of Appeals, they informed me that the multiple reply briefs are deficient and they have mailed me notification of this.

To date I still have not received their correspondence, and I am not on ECF system.

I shall be filing a motion with a single reply brief to cure the deficiency and will mail the motion, declaration and single reply brief to the courts, and your respective offices on Monday.

Please advise by return, if your intention is to oppose, or not, this motion.

Thank you.

PATRICIA HARDING MORRISON

Trisha for Tommy. RIP.

"Everything Hidden in Darkness Shall Come To The Light" - Tommy Morrison -

----- Original message -----

From: Faye Caldwell <FCaldwell@caldwelleverson.com>

Date: 3/31/17 4:52 PM (GMT-06:00)

To: "tommyandtrishamorrison@yahoo.com" <tommyandtrishamorrison@yahoo.com>

Cc: Vivienne Rakowsky <vrakowsky@ag.nv.gov>

Subject: RE: MORRISON v QUEST ET AL

Ms. Morrison:

Quest Diagnostics will not be opposed to a motion requesting leave to file an amended brief to cure the deficiencies cited by the Clerk in your reply briefs in accordance with Ninth Circuit Local Rules.

Faye

**Faye Caldwell**

**THE INFORMATION CONTAINED IN THIS TRANSMISSION IS A PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND/OR CONTAINS CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.**

**From:** tommyandtrishamorrison@yahoo.com [mailto:tommyandtrishamorrison@yahoo.com]

**Sent:** Friday, March 31, 2017 10:48 AM

**To:** Vivienne Rakowsky; Faye Caldwell; Keith Weaver

**Subject:** MORRISON v QUEST ET AL

Ms. Rakowsky

Ms. Caldwell

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----- Original message -----

From: "Weaver, Keith" <Keith.Weaver@lewisbrisbois.com>  
Date: 3/31/17 12:45 PM (GMT-06:00)  
To: tommyandtrishamorrison@yahoo.com  
Cc: Vivienne Rakowsky <vrakowsky@ag.nv.gov>, Faye Caldwell  
<fcaldwell@caldwelleverson.com>, "Gonzales, Emma"  
<Emma.Gonzales@lewisbrisbois.com>  
Subject: Re: MORRISON v QUEST ET AL

Ms. Morrison:

For all purposes relating to the appeal, I am not involved--only Ms. Caldwell on behalf of Quest. Therefore you don't need to include me on any emails relating to the appeal and going forward I won't be responding to any Thanks.

**Keith A. Weaver**  
Partner  
Keith.Weaver@lewisbrisbois.com

**T: 702.693.4337 F: 702.893.3789**

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | [LewisBrisbois.com](http://LewisBrisbois.com)

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On Mar 31, 2017, at 9:47 AM, "[tommyandtrishamorrison@yahoo.com](mailto:tommyandtrishamorrison@yahoo.com)"  
<[tommyandtrishamorrison@yahoo.com](mailto:tommyandtrishamorrison@yahoo.com)> wrote:

Ms. Rakowsky

Ms. Caldwell

Mr. Weaver

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